

2023:PHHC:059432

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 274

CR-5252-2022

Date of Decision:-26.04.2023

GURCHARAN SINGH AND ANR

... Petitioners

Versus

NARINDERJIT SINGH AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:-
Mr. Sarju Puri, Advocate for the petitioners.

Mr. C.L. Verma, Advocate for the respondent No.1.

H.S. MADAAN, J. (Oral)

Feeling aggrieved by order dated 21.03.2022 passed by Civil Judge, Junior Division, SBS Nagar in civil suit titled as 'Narinderjit Singh vs. Gurcharan Singh etc.' vide which the defence of the defendants was stuck off on account of non filing of the written statement during the period of 90 days and non payment of costs as well as order dated 01.09.2022 vide which the trial Court had refused to allow the defendants to file the written statement, the defendants in that civil suit have brought the present revision petition. On being given notice, the plaintiff/respondent No.1 has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Admittedly, the revision petitioners who are defendants before the trial Court have been careless and negligent in not filing the written statement within stipulated time and in non-payment of costs, but I am of the considered view that in the interest of justice they, should be allowed one more opportunity to file the written statement and to pay

costs so as to contest the suit on merits rather than closing the doors of contest on them.

Accordingly, the impugned orders are set aside and revision petitioner/defendants are granted one more opportunity to file written statement and pay the costs imposed by the trial Court by the next date of hearing fixed as 15.05.2023, subject to the condition that the defendant would pay further costs of Rs.10,000/- to the plaintiffs in the form of a demand draft in the name of plaintiffs which be handed over to them through their counsel in the trial Court on the date fixed. Only then they would be allowed to file the written statement. In case of default, this revision petition would be taken to be dismissed

The revision petition is allowed accordingly.

26.04.2023
yogesh

(H.S. MADAAN)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No